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Letter dated 11 March 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you, and through you to the members of the Security Council, a self-explanatory position paper issued by the concerned authorities in the Sudan on the perceived referendum on the administrative status of Darfur (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

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Annex to the letter dated 11 March 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Clarifications concerning the referendum on the administrative status of Darfur

The referendum to determine the administrative status of Darfur will be carried out pursuant to the Abuja Agreement, to which the Government is a committed signatory and which is recognized by the international community. Article 55 of that Agreement, concerning the permanent status of Darfur, states that the permanent status of Darfur shall be determined through a referendum held simultaneously in the three states of Darfur. Article 56 provides that the referendum on the status of Darfur shall be held not later than 12 months after the elections in Darfur, which shall be held simultaneously with the national elections, as specified in the Interim National Constitution, and in any case not later than July 2010. Accordingly, the referendum should be held no later than next April.

Only inhabitants of the three provinces of Darfur may vote in the referendum, as provided for in the aforementioned article 55.

As is well known, the country has agreed to formulate a permanent constitution once the transitional period of the South Sudan referendum expires in July 2011. That makes it essential to settle the permanent administrative status of Darfur before that.

Pursuant to the Abuja Agreement, the National Elections Commission shall organize and supervise the referendum on the status of Darfur, and the National Elections Law shall specify the rules and procedure governing the referendum.

The referendum shall be internationally monitored. Article 58 states as follows:

The National Elections Commission shall organize and supervise the referendum on the status of Darfur. The National Elections Law shall specify the rules and procedure governing the referendum. The referendum shall be internationally monitored.

As has been set forth above, the National Elections Commission is the party responsible for conducting the referendum, not the Transitional Darfur Regional Authority. That body's role is restricted to coordinating and following up implementation of the Agreement, which in article 53 states that it shall exercise the following functions:

Undertake primary responsibility for coordinating the implementation and follow-up of this Agreement. Such responsibility shall include, in particular, facilitating the return of refugees and internally displaced persons, coordinating the restoration of security, and promoting peace and reconciliation throughout Darfur.

The Government will ensure that the appropriate climate is in place for the conducting of the referendum by taking a set of measures, including lifting the state of emergency, guaranteeing freedom of assembly and expression, and permitting calls to be made in support of either of the two choices.

The referendum does not conflict with the Doha negotiations, because it will be conducted in accordance with the Abuja Agreement, to which the Government is committed. The Government will continue its involvement in the Doha forum, with a view to reaching a peace agreement. The Government has informed the Joint Mediation of its intention to conduct the referendum on the administrative status of Darfur, and that body has expressed no objection.

The conduct of the referendum on the administrative status of Darfur need have no impact on the political process in Darfur and the Darfur-Darfur Dialogue Conference that will be supervised by the high-level executive directorate headed by President Mbeki, delegated by the African Union, and in coordination with the African Union-United Nations Hybrid Operation in Darfur.

The Government, in consultation with the political powers and movements that signed the Abuja Agreement and Declaration of Principles on the holding of the referendum, will do everything necessary to achieve the goal of enabling the population of the provinces of Darfur to vote in a free and impartial referendum to determine the permanent administrative status of Darfur.